

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

AMAZIN' RAISINS INTERNATIONAL, INC.,

Plaintiff,

v.

OCEAN SPRAY CRANBERRIES, INC.,

Defendant.

Civil Action No. 1:04-cv-12679-MLW

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**DECLARATION OF HAROLD MANTIUS IN SUPPORT OF OCEAN SPRAY'S  
MOTION FOR SUMMARY JUDGMENT OF NONINFRINGEMENT**

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I, Harold Mantius, declare as follows:

1. I am a Senior Principal Process Engineer for Ocean Spray Cranberries, Inc. and I have worked at Ocean Spray since 1989. I have personal knowledge of the facts stated in this declaration and, if called upon, could testify thereto.

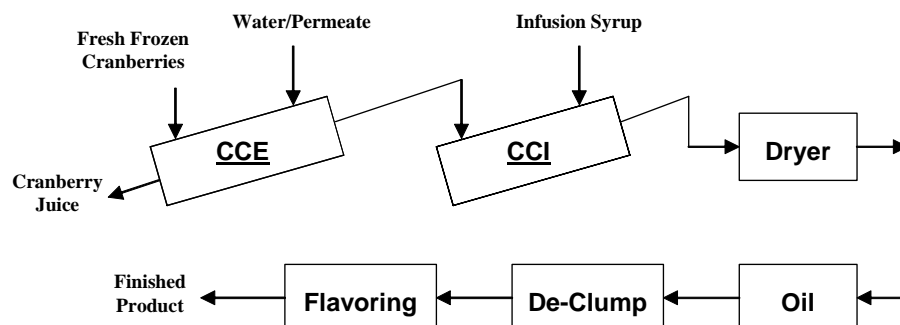
2. I developed the countercurrent extraction and infusion process that Ocean Spray uses to make its sweetened dried cranberry products. On January 3, 1992, I filed a patent application that describes the countercurrent extraction and infusion portion of Ocean Spray's manufacturing process in detail. The patent issued on January 14, 1994 as United States Patent No. 5,320,861. The process described in my patent is used to make all varieties of Ocean Spray's sweetened dried cranberry products.

3. I understand that Plaintiff has accused the following products and the process that makes those products of infringement: Craisins® Cherry Flavor Sweetened Dried Cranberries, Craisins® Orange Flavor Sweetened Dried Cranberries, Craisins® Strawberry Flavor Sweetened Dried Cranberries, Blueberry Flavored Fruit Pieces (UPC 94572), Blueberry Diced Flavored Fruit Pieces (UPC 94592), Cherry Flavored Fruit Pieces (UPC 94591), Cherry Diced Flavored

Fruit Pieces (UPC 94593), Raspberry Flavored Fruit Pieces (UPC 94574), Raspberry Diced Flavored Fruit Pieces (UPC 94594), Strawberry Flavored Fruit Pieces (UPC 94576), Strawberry Diced Flavored Fruit Pieces (UPC 94596), Orange Flavored Fruit Pieces (UPC 94582), Mixed Berry Diced Flavored Fruit Pieces (UPC 94623), and any of these products sold in various states of moisture, physical character, or in glycerated form. I have personal knowledge of these products and the process used to make these products.

4. Ocean Spray makes its flavored sweetened dried cranberry products at two different facilities. One facility is located in Tomah, Wisconsin and the other in Middleboro, Massachusetts. The Tomah juice manufacturing plant was started up in 1993 and the production of sweetened dried cranberries began in 1995. I was personally responsible for the research and development of Ocean Spray's manufacturing process and the implementation of this process in Ocean Spray's Tomah plant. In 2004, the production of sweetened dried cranberries began in Ocean Spray's Middleboro plant. As with the Tomah plant, I was personally responsible for the research and development of Ocean Spray's manufacturing process and the implementation of this process in the Middleboro plant.

5. The manufacturing processes at the Tomah and Middleboro plant are essentially the same. There are only minor differences between the two plants, of which some are set forth and explained below. The following diagram accurately describes Ocean Spray's manufacturing process at its Middleboro facility:



6. As is true in Tomah, the process in Middleboro begins with frozen cranberries that are sliced, defrosted with heated cranberry juice, and dropped into a countercurrent extraction unit (“CCE”). The Middleboro facility uses the same type of CCE that is used in Tomah. Ocean Spray does not add an acidulant to the water or permeate used in the juice extraction process. On average, a higher volume of fruit passes through the CCE in Middleboro than the individual CCEs in Tomah. Consequently, the level of juice extraction in the Middleboro CCE is lower than that obtained in Tomah.

7. Both the Tomah and Middleboro plant use the same type of countercurrent infuser (“CCI”). I am familiar with the infusion syrups and the use of citric acid in the infusion process. The purpose of the citric acid is to replace a portion of the acid removed during the extraction process to intimate a significant level of cranberry juice content in the finished product. In other words, the citric acid serves to mimic the characteristic tart flavor of cranberry. Ocean Spray measures the acidity of the extracted fruit to tightly control the citric acid in the formulation of infusion syrup—hence the intimated cranberry juice content of the finished product. Citric acid is not used to make blueberry-flavored products because the products are not intended to have a cranberry flavor.

8. In Middleboro, the mechanism for handling infused fruit prior to drying is less abusive to the structure of the fruit than that employed in Tomah representing a substantial process improvement.

9. Middleboro’s drying process has three stages just like the drying process in Tomah, with a similar mechanism for breaking up clumped product between each stage. However, due to process improvements relating to the manner in which infused fruit is handled, the application of a water spray before drying is not required. Moreover, the transfer of product

from one stage to another does not require the application of a water spray to the transitional belt sections of the dryer because a non-stick agent is employed in its stead.

10. Like in Tomah, oil spray is employed at the exit of the third drying stage to facilitate the transfer of the sticky dried product to a downstream oiling drum. In the Tomah plant, the dried pieces are then transferred to a vibrating shaker screen to size finished product and segregate clumps for further processing. The Middleboro plant does not use a shaker screen, but rather a system of rollers spaced to perform the same function. The system for de-clumping the segregated clumps in Middleboro is identical to the system in Tomah. Although various process improvements were installed in the Middleboro facility to reduce the clumping of the dried product, the clumping problem is still substantial. In fact, it is not uncommon to see clumps as large as those shown in Exhibits K and L of the Michael Scott Declaration.

11. The Middleboro plant uses a drum like that used in Tomah to apply flavor crystals to the outer surface of the cranberry pieces.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: December 21, 2005

/s/Harold Mantius

Harold Mantius